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MEMBER OF CONGRESS**

TESTIMONY BEFORE THE CIVIL SERVICE SUBCOMMITTEE
STATEMENT SUBMITTED FOR THE RECORD

H.R. 2276, NIH SECURITY BILL

JULY 23, 2003

Madam Chairwoman, I appreciate having this opportunity to testify in behalf of H.R. 2276, The NIH Security Act, which I introduced on May 22, 2003. Passage of this bill is essential as we face the reality that we will live under a long-term heightened terrorist threat.

H.R. 2276 was introduced with 12 Original Cosponsors. I am honored that the Chairmen and Ranking Members of the Full Government Reform Committee and the Civil Service Subcommittee are among them. Thank you, Chairwoman Davis, for your support.

NIH, with its satellite facilities, consists of 27 Institutes and Centers, and more than 28,000 employees. There are approximately 3,000 research laboratories, a hospital/clinical center that will exceed 3 million square feet when completed, many animal research and holding facilities, a 300-acre main campus, a 500-acre animal research complex, a 500-acre environmental health research campus, a 70-acre cancer research campus, a 33-acre infectious disease research campus, radiation safety storage facilities, a computer support center (a critical infrastructure of the Federal Government), child care centers, a world-renowned national medical research library, banks, credit unions, pharmacies, a central warehouse and mail distribution center, power plant, motor-pool, cafeterias/snack bars, fitness centers, as well as a variety of other supporting commercial, industrial, and administrative operations encompassing both on and off main campus locations.

There is a heightened need to enact this bill because NIH, due to the sensitive nature of its work, could be a potential target for terrorists. As the country's premier biomedical research facility, NIH will soon be home to Project BioShield, a new Homeland Security initiative recently passed by the House to produce vaccines and treatments to protect Americans against biomedical and chemical weapons.

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In response to the attacks of September 11, Congress increased the authorized size of the NIH police force from 64 officers to 85. Unfortunately, the force has never come close to reaching those numbers due to the current pay and retirement system.

NIH police are one of the lowest paid in the Washington metropolitan area. Making matters worse, NIH police are not classified as Federal "law enforcement officers," and are thereby denied the superior retirement benefits that distinction affords. The result is a very low retention rate for officers and difficulty with recruitment. Even excluding retirements, there exists a 77 percent annual attrition rate at NIH.

Severe staffing shortages cost NIH valuable dollars and human resources. For example, NIH was forced to spend \$1.9 million in overtime costs in FY 2002. In addition, every time a police officer leaves the NIH, the agency loses thousands of dollars of investment in training. For example, NIH spent over \$200,000 training the 20 officers that left in FY 2002 (34 officers have left since 9/11) for better pay and benefits. Therefore, NIH is not receiving the benefit of this investment.

Understaffing of officers -- sixty, as of last March -- has resulted in:

- delays in responding to routine calls such as traffic problems, suspicious persons;
- the inability to fill specialty units such as Hazmat Response, critical for responding to possible biological, chemical, and radioactive terrorist attacks;
- the inability to provide routine and specialty training, which includes learning to respond to terrorist threats/attacks, special weapons and tactics training, weapons of mass destruction training.

Under High Level Alerts, NIH Police Officers:

- are unable to patrol off-campus facilities, even though required under these levels;
- are forced to work 12-14 hours a day, six to seven days a week just to meet the minimal law enforcement and security responsibilities associated with the level of terrorist threat;
- experience sleep deprivation, increased illness and injuries, heightened stress, and family/personal problems which adversely effect morale, alertness, and response times;
- are unable to provide the necessary units to perform routine duties as patrolling the campus, enforcing traffic, and responding to standard calls; and
- are unable to staff special response units that would be necessary to deter and/or repel a terrorist attack on NIH facilities.

Jurisdictional restrictions placed on the NIH Police render the force unable to provide full law enforcement services to off-campus facilities, including the inability to fully investigate crimes or serve warrants. The current NIH Police jurisdiction stems from a delegation of authority from the General Services Administration, and is limited basically to the main campus in Bethesda. The only available coverage for the numerous NIH leased facilities in Montgomery County, MD, and the major NIH complexes in Hamilton, MT, New Iberia, LA, and Research Triangle Park, NC, is a

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combination of armed and unarmed guards, and local law enforcement agencies. As with the main campus, these facilities have very specialized policing needs. The disparity of police service provided is severe, and as a result, thousands of NIH employees, numerous NIH Bio-safety Level (BSL) 3 labs containing select agents and radioactive material and equipment, and animal care facilities in the off-campus locations are placed at greater risk. Without the full jurisdiction as provided for in the legislative proposal, the NIH Police:

- are hindered when investigating crimes and threats against NIH personnel and facilities, causing local law enforcement (who have their own priorities) to attempt to handle NIH criminal matters;
- are unable to staff the Rocky Mountain laboratory facility in Montana and other off-campus facilities; and
- are unable to provide executive protection for the Director of NIH and other high-level officials during heightened terrorist alerts.

In closing, increasing security demands at NIH require upgrading the status of the NIH police force, to discourage attrition and encourage new hiring. I urge this Subcommittee and the full Government Reform Committee to give swift and complete consideration to H.R. 2276. In these times of heightened security concerns, we need to enact the NIH Security Act into law.

Thank you, Chairwoman Davis.